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B I L L

TO

Amend the Local Government (Ireland) Act, 1898.

A.D. 1900.

WHEREAS it is expedient to amend the law relating to local government in Ireland and other purposes connected therewith :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. For the purpose of assisting the Local Government Board in carrying out the Local Government (Ireland) Act, 1898, hereinafter referred to as the principal Act, there shall be established a board to be called the Board of Control.

Establishment of Board of Control.

2. The Board of Control shall consist of the following members :—

Appointment and qualification of members of Board of Control.

- (a.) Four persons to be appointed by the chairmen of the thirty-three county councils in the prescribed manner ;
- (b.) One person to be appointed by the mayors of the six county boroughs ;
- (c.) Two members of the Local Government Board.

3. The Board of Control shall meet at least four times a year for the purpose of discussing matters of public interest in connexion with any purposes of this Act, or the principal Act.

Powers and duties of Board of Control.

4. Where after the *passing of this Act* any orders are made by the Local Government Board affecting any county or district council or poor law board, any such council or board may within the prescribed time and in the prescribed manner appeal therefrom to the Board of Control ; and the Board of Control shall at the hearing of such appeal have power, after hearing the parties, in such manner as they think fit, to confirm, annul, or vary any such order.

Powers of Board of Control with regard to orders of Local Government Board.

[Bill 18.]

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2 *Local Government (Ireland) Act (1898) Amendment.* [63 VICT.]

A.D. 1900.

Powers of
Board of
Control with
regard to
demands
ordered by
judge of
assize.

5. Where the demand of a sum by any county or district council, or by the treasurer of such council, or other officer of the county on behalf of the council, is ordered by a judge of assizes under the Local Government (Ireland) Act, 1898, or any other Act, the county or district council concerned may appeal from such order to the Board of Control, and the Board of Control shall have power, after hearing the parties, if they think fit, to confirm, annul, or vary such order. 5

Payment to
and out of
the Local
Taxation
(Ireland)
Account
by the Com-
missioners of
Church
Tempo-
ralities.

6.—(1.) As from the *twenty-ninth day of September* next after the passing of this Act there shall be annually paid by the Commissioners of Church Temporalities in Ireland, out of the property accruing to them under the Irish Church Act, 1869, to the Local Taxation (Ireland) Account, a sum equal to *half* the amount certified under the principal Act as having been raised in the whole of Ireland by poor rate and county cess off any hereditaments other than agricultural land during the standard financial year; and for the purposes of this section the term "county cess" shall, in a county borough, include a rate levied under the enactments relating to county cess. 15

(2.) Such portion of this grant as is certified under the principal Act to be payable to each county council shall be issued by the Lord Lieutenant from the Local Taxation (Ireland) Account to that council half-yearly in the prescribed manner. 20

(3.) The provisions of the forty-ninth and fifty-fourth sections of the principal Act shall, with the necessary modifications, apply in the case of hereditaments other than agricultural land and to the grant in this section referred to, and shall have effect accordingly. 25

As to rating
owner
instead of
occupier in
case of small
tenements.

7. Where a county council, or a council of an urban district, by a majority of not less than two-thirds of the members present at the meeting specially summoned for the purpose, shall so resolve, the poor rate made by such council in the case of any hereditament of which the poor law valuation shall not exceed *four pounds*, shall not be made upon the occupier of such hereditament, but shall be made on the immediate lessor thereof, provided that where such resolution has been passed the fifty-fourth section of the Local Government (Ireland) Act, 1898, shall not apply, and any adjustment of rent made under that section shall no longer have effect, and the rent of the occupier of the hereditament shall be the same as if the said section had not passed. 30 35 40

A.D. 1899.

8. The expenses incurred by the council of an urban county district in relation to the business transferred to the council by or in pursuance of the principal Act, or otherwise in the execution of the said Act, shall be defrayed out of the poor rate.

Expenses of urban county district to be defrayed out of poor rate.

5 9. Notwithstanding anything in any Act, the contributory area on which any special expenses incurred by a rural district council after the passing of this Act for the purpose of the Public Health (Ireland) Acts, 1878 to 1896, shall be charged, shall be determined by the rural district council.

Contributory areas to be determined by the district council.

10 10. A person being in holy orders, or being a regular minister of any religious denomination, shall not be disqualified for being elected and being a county or district councillor or poor law guardian.

Clergymen eligible as members of councils and poor law boards.

11.—(1.) The chairman of a county council and also the chairman of a district council, unless a woman or personally disqualified by any Act, shall by virtue of his office be a justice of the peace for the county; but before acting as such justice he shall, if he has not already done so, take the oaths required by law to be taken by a justice of the peace.

Chairman of county council and chairman of district council justice of peace for the county.

20 (2.) Sub-section two of section ninety-five of the principal Act shall be and is hereby repealed.

12.—(1.) Except so far as the sheriff or the justices may require, for the administration of justice or the discharge of his or their duties, the use of any court house, sessions house, or other county building under his or their custody or control, the county council shall be entitled to the use of the same.

Use of court houses, &c.

(2.) Subject to the foregoing provision there shall be transferred to the council of each county the custody of all court houses and petty sessions houses in the county, and the right to appoint and remove the keepers of such court houses.

(3.) In case any difference arise between the sheriff or justices and the county council of any county as to the use by such county council of any court house, sessions house, or other county building, such difference shall be determined by the Board of Control.

35 13. The Local Government electors, on the application of not less than six of their number, and the district council, shall be entitled to use, free of charge, at all reasonable times, except, in the case of schoolrooms, during ordinary school hours, and after reasonable notice, for any purpose under this Act or under the Poor Law Acts or the principal Act, including public meetings in

Use of court houses, sessions houses, and schoolrooms.

4 Local Government (Ireland) Act (1898) Amendment. [63 Vict.]

A.D. 1900. connexion with the candidature of any person for the county council or the district council, any room in a court house, sessions house, county building, or a school receiving a grant out of moneys provided by Parliament, and any room the expense of maintaining which is payable out of any rate levied by the 5 county council :

Provided that this enactment shall not authorise the use of any room used as part of a private dwelling house :

Provided also that any expense reasonably incurred by the person or persons having control over the room, or any damage done to the room or its contents in consequence of its being so used, shall be 10 defrayed by such Local Government electors or the district council, who, when the meeting is called for the purposes of any candidature, shall be entitled to recover such expense from the person or persons calling the meeting. 15

Width of new roads. 14. A new road may be laid out and made by a county council of a width less than sixteen feet, if the county council shall think fit, provided that such road shall not be less than twelve feet in width.

Execution of public works by council without intervention of contractor. 15. A county council may with respect to any public work the expenses of which are chargeable partly or wholly to the administrative county, or upon the recommendation of the council of the district with respect to any public work the expenses of which are chargeable wholly to a county district, execute such work without the intervention of a contractor, and the Act of the twentieth and 25 twenty-first years of the reign of Victoria, chapter fifteen, shall in such case apply with the necessary modifications.

Repeal of Acts for compensation for criminal injury. 16. The enactments relating to compensation for criminal injury set forth in the First Schedule to the Local Government (Ireland) Act, 1898, and the fifth section of the said Act, shall be 30 and are hereby repealed.

Fences and posts on footways. 17. Fences and posts placed by town commissioners for the protection of passengers on footways pursuant to the powers confirmed by the fifty-second section of the Towns Improvement Clauses Act, 1847, may be placed in such part or parts of such 35 footways as the town commissioners think necessary.

Define and powers of district council as to rights of way, rights of common, and roadside wastes. 18. A district council in Ireland shall have and exercise the powers exercised in England by any body under section twenty-six of the Local Government Act, 1894.

19. No Provisional Order made by the Local Government Board after the first day of January one thousand nine hundred and one shall require to be confirmed by Parliament.

A.D. 1900.
Provisional
Orders.

20. The Board of Control shall have power to make rules for the purposes of this Act, and the word "prescribed" shall mean prescribed by such rules.

Rules.

21. This Act may be cited as the Local Government (Ireland) Act (1898) Amendment Act, 1900.

Short title.

Local Government
(Ireland) Act (1898)
Amendment.

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B I L L

To amend the Local Government
(Ireland) Act, 1898.

*(Prepared and brought in by
Mr. Tully, Mr. Thomas Kennedy, Mr. Clancy,
Mr. Quinn, Mr. P. H. Burke,
Mr. Patrick Joseph O'Shea, Mr. Daly,
and Mr. Patrick O'Brien.)*

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